UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.83
21 October 1997

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Sixteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Togo

1. The Committee considered the initial report of Togo (CRC/C/3/Add.42) at its 420th to 422nd meetings (CRC/C/SR.420-422), held on 7 and 8 October 1997 and adopted* the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the initial report of Togo and also expresses its appreciation with regard to the dialogue held with the State party. While the Committee expresses its satisfaction with the additional oral information provided by the State party in the course of the dialogue, it nevertheless regrets that it did not receive in written form answers to the list of issues (CRC/C/Q/TOGO/1) submitted by the Committee.

B. Positive aspects

3. The Committee notes that the State party adopted in 1992 a new constitution which includes provisions that promote and protect human rights. It also notes the establishment of a National Human Rights Commission (1987) and a Ministry for Human Rights and Rehabilitation (1992). The Committee also welcomes the fact that the 1992 Constitution guarantees the superiority of international human rights instruments which are incorporated into national legislation and that those treaties can be invoked before courts. Furthermore, it welcomes the willingness of the State party to envisage ratifying the African Charter on the Rights and Welfare of the Child.

---

* At the 426th meeting, held on 10 October 1997.

4. The Committee welcomes the establishment in 1993 of the National Committee for the Protection and Promotion of Children.

5. The Committee notes with appreciation the steps taken by the State party to translate into Kabyè and Ewé the Convention on the Rights of the Child.

6. The Committee welcomes the emergence of national non-governmental organizations and the steps to enhance cooperation between them and the Government.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes that Togo is among the group of least developed countries and that a large part of its population is living below the poverty level. Furthermore, the Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the provisions of the Convention, especially with regard to the girl child.

D. Principal subjects of concern

8. The Committee notes with concern that currently several provisions of the national legislation, inter alia in the areas of civil rights, including right to nationality, as well as adoption, labour and juvenile justice, are not in conformity with the provisions and principles of the Convention on the Rights of the Child.

9. While noting the establishment of the National Committee for the Protection and Promotion of Children, the Committee remains concerned about the lack of human and financial resources and the institutional status of the National Committee. In this regard, the Committee is concerned about the National Committee's capacity to effectively coordinate programmes and policies both between concerned ministries as well as between central and local levels. Furthermore, the Committee is worried that the State party has not yet adopted a National Plan of Action (NPA).

10. The Committee is concerned at the lack of a systematic mechanism to monitor progress in all areas covered by the Convention, and in relation to all groups of children in urban and rural areas. The Committee is also concerned about the State party's limited capacity to collect and process data, as well as specific indicators, to evaluate progress achieved and assess the impact of policies adopted on children, in particular the most vulnerable groups of children.

11. With regard to the implementation of article 4 of the Convention, the Committee notes with concern the absence of policies and measures to fully guarantee economic, social and cultural rights of children to the maximum extent of available resources and, where needed, within the framework of international cooperation.

12. The Committee is concerned at the lack of harmonization in the State party between the different legal minimum ages and their compatibility with the provisions and principles of the Convention, in particular its articles 1 and 2.

13. In the light of article 2 of the Convention, the Committee remains concerned about the persistence of discriminatory practices against some groups of children, especially girls and disabled children, as well as children living in rural areas, which often results in limited access to basic social facilities, such as health and education.

14. Concern is expressed by the Committee at the insufficiency of the measures taken to ensure the effective implementation of the general principles of non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12) of the Convention in relation to legal, judicial and administrative decisions, as well as to the political decision-making process.

15. The Committee expresses its concern regarding the lack of sufficient awareness of the principles and provisions of the Convention in all parts of society, among adults and children alike. It is also concerned at the lack of sufficient training for professional groups working with or for children, such as judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school administrators, health personnel, social workers, officials of central or local administrations and personnel of child-care institutions.

16. In relation to article 7 of the Convention, the Committee is concerned that in many cases children are not registered at birth, and that the enjoyment by non-registered children of their rights might be seriously hindered.

17. The Committee is concerned at the fact that corporal punishment is a common practice in the family, in schools and in other institutions. In this regard, the Committee is worried by the absence of a comprehensive law that clearly prohibits corporal punishment of children.

18. In the light of article 17 of the Convention, the Committee notes with concern that no mechanism exists to protect children from being exposed to harmful information, including pornography.

19. With regard to the right of the child to express his/her views (art. 12) and his/her right to freedom of expression (art. 13), the Committee is concerned at the prevailing attitudes in the family, in school, in other institutions and in society that hinder the enjoyment of those rights.

20. The Committee is also concerned at the increase in the number of children living and/or working in the streets in major cities. The Committee is further concerned by the lack of statistical data and studies on such children.

21. With regard to adoption, the Committee is concerned by the absence of a comprehensive legal framework that fully conforms to article 21 and the other relevant provisions of the Convention.

22. In the light of article 19 of the Convention, the Committee is worried about the persistence of child abuse, including ill-treatment within the family, and the absence at the administration level of an appropriate mechanism to prevent and combat this phenomenon.

23. The Committee is concerned at the difficult health situation faced by a majority of children, inter alia, high under-five child mortality rate, weak nutritional status, high incidence of malaria and iodine deficiency, and limited access to clean water and safe sanitation. It is also worried by the spread of HIV/AIDS throughout the population of the country, which bears a direct impact on the lives of children. The incidence of early pregnancies is also a matter of concern.

24. The Committee remains concerned at traditional attitudes and harmful practices, in particular female genital mutilation, which still prevail in some regions.

25. With regard to the right to education (arts. 28 and 29), while noting that the principle of free, universal and compulsory basic education for all children is recognized by the State party, the Committee is concerned at the low level of school enrolment and the high drop-out rate, especially among girls, resulting in high illiteracy rates, the lack of learning and teaching facilities and the shortage of trained teachers, particularly in rural areas. Furthermore, in the light of article 31 of the Convention, the Committee is concerned at the lack of appropriate playgrounds.

26. In the light of articles 2, 3 and 22 of the Convention, the Committee is concerned about the absence of a legal framework to protect refugee and internally displaced children. The Committee is also concerned that a refugee child has to reach the age of 18 years to acquire Togolese citizenship.

27. The Committee is concerned about the insufficiency of legal and other measures to adequately prevent and combat economic exploitation of children, especially in the informal sector. The Committee is also seriously worried by the widespread sale and trafficking of children which result in their economic and sexual exploitation.

28. The Committee is concerned at the recent emergence of substance abuse among children and the limited prevention and rehabilitation measures and facilities to combat this phenomenon.

29. The Committee is concerned at the absence of comprehensive information and data concerning sexual abuse and exploitation of children, including in the family and when serving as domestic workers.

30. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant international standards, is a matter of concern. The Committee remains particularly concerned about, inter alia, the violations

of the rights of the child in detention centres, especially when not separated from adult detainees, the length and conditions of pre-trial detention, the existence of only one judge for minors and one centre specifically for boys in conflict with the law, the lack of access to legal assistance and the inadequacy of existing alternative measures to imprisonment.

E. Suggestions and recommendations

31. The Committee recommends that the State party initiate a comprehensive study on the compatibility of national legislation with the principles and provisions of the Convention on the Rights of the Child with a view to engaging in a law-reform process which would result in the enactment of a comprehensive children's code. In this regard, the Committee suggests that the State party may wish to seek technical assistance.

32. The Committee recommends that the State party strengthen coordination among the various governmental bodies and mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention. The Committee encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular. In this regard, it recommends that the role and resources of the National Committee for the Protection and Promotion of Children be reinforced. It encourages the State party to increase its cooperation with non-governmental organizations (NGOs).

33. The Committee also recommends that the State party give priority attention to the development of a system of data collection and analysis, as well as to the identification of appropriate disaggregated indicators, with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children and evaluating the progress achieved and the difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the situation of children, particularly those belonging to the most disadvantaged groups, including disabled children, the girl child, children ill-treated and abused within the family and in other institutions, children deprived of liberty, children living in rural areas, children who are victims of sexual exploitation, refugee children and children living and/or working in the streets. It is further suggested that the State party request international cooperation in this regard from, among others, the United Nations Children's Fund.

34. In the light of articles 2, 3 and 4 of the Convention, the Committee recommends that priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education, and on the enjoyment of these rights by children, particularly the most disadvantaged. In this regard, the Committee suggests that the State party envisage reallocating resources towards fully implementing the Convention.

35. The Committee recommends that the State party take all appropriate measures to fully harmonize legal minimum ages with the provisions and principles of the Convention.

36. The Committee further recommends that all appropriate measures be undertaken by the State party, including public information campaigns, to prevent and combat all forms of prevailing discriminatory attitudes against girls and children with disabilities, especially those living in rural areas, with a view, inter alia, to facilitating their access to basic services.

37. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention, in particular the best interests of the child (art. 3) and the participation of children (art. 12), not only guide policy discussions and formulation and decision-making, but also are appropriately reflected in any judicial and administrative decisions and in the development and implementation of all projects and programmes which have an impact on children.

38. The Committee recommends that the State party launch a systematic information campaign, for both children and adults, on the Convention on the Rights of the Child. Consideration should be given to the incorporation of the Convention in the curricula of educational institutions, and appropriate measures should be taken to facilitate access by children to information produced on their rights. Special attention should also be given to sensitize community and religious leaders about the Convention, especially its general principles. The Committee also suggests that, within the framework of the existing technical assistance programme with the Office of the United Nations High Commissioner for Human Rights, the State party further engage its efforts towards developing comprehensive training programmes for professional groups working with and for children such as judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school administrators, health personnel, social workers, officials of central or local administrations and personnel of child-care institutions.

39. The Committee recommends that special efforts be developed to guarantee an effective system of birth registration, in the light of article 7 of the Convention, to ensure the full enjoyment of their fundamental rights by all children. Such a system would serve as a tool in the collection of statistical data, in the assessment of prevailing difficulties and in the promotion of progress in the implementation of the Convention.

40. In the light of articles 3, 19 and 28 (2), the Committee strongly recommends that corporal punishment be explicitly prohibited by law and that information campaigns be launched to appropriately sensitize adults on the dangers and harms of the practice. The Committee further recommends that the legislation protecting children from violence be amended in accordance with the provisions and principles of the Convention.

41. The Committee recommends that the State party take all appropriate measures, including legal ones, to protect children from harmful information, including in the audio-visual media and in media using new technologies.

42. In the light of articles 12 and 13 of the Convention, the Committee recommends that the State party take all appropriate measures to promote and guarantee the right of the child to freedom of expression at home, in school, in other institutions and in society.

43. With a view to fully protecting the rights of children in the framework of adoption, the Committee recommends that the State party review its adoption laws in the light of article 21 of the Convention. Furthermore, the Committee recommends that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

44. With a view to combating all forms of child abuse, especially ill-treatment within the family, the Committee recommends that the State party take all appropriate measures, including law enforcement and rehabilitation measures.

45. The Committee encourages the State party to undertake to prevent and combat the phenomenon of children working and/or living in the streets by, inter alia, engaging in research and collection of data, promoting integration and vocational training programmes, and guaranteeing equal access to health and social services.

46. The Committee recommends that the State party take all appropriate measures, including through international cooperation, to prevent and combat under-five mortality, malnutrition, malaria and iodine deficiency, and to improve access to clean water and safe sanitation.

47. The Committee suggests that the State party strengthen its information and prevention programmes to combat HIV/AIDS and sexually transmitted diseases (STD), as well as discriminatory practices towards children affected or infected by HIV/AIDS. The Committee further recommends that the State party pursue and strengthen its family planning and reproductive health programmes, including for adolescents.

48. The Committee shares the view of the State party that serious efforts are required to address harmful traditional practices such as female genital mutilation. Taking note of the current efforts undertaken to draft specific legislation to prohibit the practice of female genital mutilation, the Committee encourages the rapid enactment of such a law which is fully compatible with the Convention. It also recommends that public campaigns involving all sectors of society, including traditional leaders, be developed and pursued with a view to changing attitudes. In this regard, all appropriate action should be taken on a priority basis.

49. In accordance with article 28 (a) of the Convention, the Committee encourages the State party in its efforts to make primary education compulsory and available free to all. It also encourages the State party to implement measures to improve school enrolment and school retention, especially for girls. A system for the regular evaluation of the effectiveness of these and other educational measures, including quality of teaching, must be ensured. In the spirit of article 29 of the Convention, further steps should be taken to develop guidelines for the participation of all children in the life of the

school, in conformity with the principles and provisions of the Convention. Furthermore, the State party is encouraged to provide more appropriate playgrounds for children.

50. In the spirit of articles 2, 3 and 22 of the Convention, the Committee recommends that the State party make all appropriate efforts to ensure easy and full access to basic services, including in the areas of education, health and social services, to refugee children living under its jurisdiction.

51. The Committee encourages the State party to give specific attention to monitoring the full implementation of labour laws and ILO Convention No. 138 regarding the minimum age for employment in order to protect children from being economically exploited, especially as domestic servants. It further suggests that the authorities adopt legislation and measures to protect children from exploitation through child labour in the informal sector. The Committee also recommends that the State party take appropriate measures, including cooperation agreements with neighbouring countries, to prevent and combat the trafficking and sale of children.

52. With a view to preventing and combating drug and substance abuse among children, the Committee recommends that the authorities take all appropriate measures, such as public information campaigns, including in schools and in other institutions. It also encourages the State party to support all rehabilitation programmes dealing with children victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from relevant international organizations, such as the World Health Organization (WHO).

53. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party reinforce its legislative framework to fully protect children from all forms of sexual abuse or exploitation, including within the family. It also recommends that the authorities undertake studies with a view to designing and implementing appropriate policies and measures, including in the areas of law enforcement and rehabilitation, to combat this phenomenon comprehensively and effectively. The Committee wishes in this regard to draw the attention of the State party to the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

54. The Committee recommends that the State party envisage undertaking a comprehensive reform of the juvenile justice system in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and he United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to protecting the rights of children deprived of their liberty, especially guaranteeing their separation from adult detainees, reducing the length of pre-trial detention, increasing the number of judges for minors and the number of specific rehabilitation centres for boys as well as for girls in conflict with the law, giving access to legal assistance and promoting alternative measures to imprisonment. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system.

The Committee further suggests that the State party consider seeking and reinforcing existing technical assistance for this purpose from, among others, the Office of the United Nations High Commissioner for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

55. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report presented by the State party be made widely available to the public at large and that the report be published, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.